

Honolulu, Hawaii

April 27, 2011

RE: H.B. No. 1094
H.D. 1
S.D. 2
C.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 1094, H.D. 1, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this bill is to bring Hawaii's commercial driver's license (CDL) laws into compliance with federal regulations by conforming the CDL law with Federal Motor Carrier Safety Regulations, and in the process preserve Hawaii's ability to receive federal funds. Among other things, this measure:

- (1) Adds the definitions of "commercial driver's license downgrade" and "commercial driver's license information system driver record" to the CDL statute;
- (2) Requires the examiner of drivers to verify the certification of a self-certified driver, date-stamp any

HB1094 CD1 HCCR HMS 2011-3846



current medical examiner's certificate submitted by a driver, and post all required information on the CDL Information System;

- (3) Changing the "V" restriction designation on a CDL from indicating that the driver is restricted from operating in interstate commerce to indicating that information concerning a medical variance is on the CDL Information System driver record;
- (4) Recodifying the original "V" restriction that restricts a driver from operating in interstate commerce to a "W" code;
- (5) Requiring the examiner of drivers to mark the CDL Information System driver record as "not-certified" and initiate a CDL downgrade if a driver fails to produce certain documents to the examiner of drivers;
- (6) Providing parameters for updating information and notification requirements for certain items concerning medical certification and medical variances for CDL drivers; and
- (7) Requiring the examiner of drivers to record and maintain certain medical information regarding CDL drivers.

Individuals who possess CDLs are held to stricter medical and licensing standards than individuals who hold a standard license to operate a motor vehicle. This is due, in part, to the type of vehicles CDL drivers operate, which generally involves large trucking and transportation vehicles. Having additional, more stringent restrictions on these drivers promotes highway safety. While the examiner of drivers currently has the authority to withhold driving privileges from a CDL holder for committing a violation or posing an immediate threat to highway safety, non-compliance with the medical requirements for a CDL does not constitute either a violation or an immediate threat. This measure will allow the examiner of drivers to impose this restriction from driving in these situations.

This measure also conforms Hawaii's CDL law with Federal Motor Carrier Safety Regulations. Failure to do so will result in the withholding of federal funds for every year the law is non-compliant. As Hawaii's State Highway Fund is presently facing



revenue stream problems and budgetary shortfalls, a further loss of federal funds would be devastating.

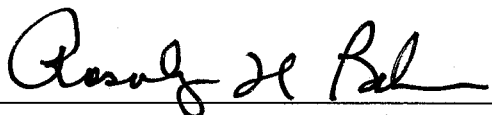
Your Committee on Conference has amended this bill by making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1094, H.D. 1, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1094, H.D. 1, S.D. 2, C.D. 1.

Respectfully submitted on behalf
of the managers:

ON THE PART OF THE SENATE

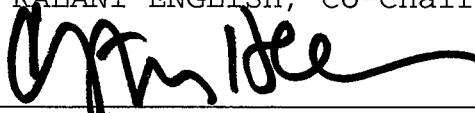
ON THE PART OF THE HOUSE



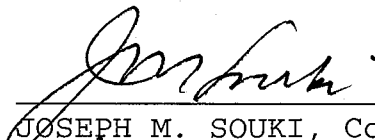
ROSALYN H. BAKER, Chair



J. KALANI ENGLISH, Co-Chair



CLAYTON HEE, Co-Chair



JOSEPH M. SOUKI, Co-Chair



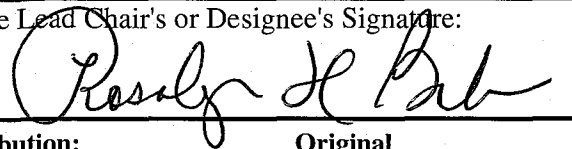
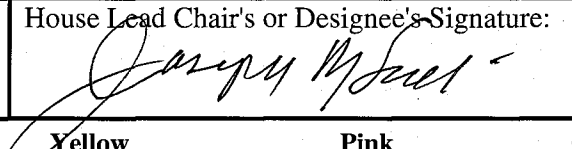
KARL RHOADS, Co-Chair



Hawaii State Legislature

CCR 51

Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: HB 1094, HD 1, SD 2					Date/Time: 4-20-2011 1:40 pm				
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).									
<input type="checkbox"/> The Committee is reconsidering its previous decision.									
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.				
Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
BAKER, Rosalyn H., Chr.	✓				SOUKI, Joseph M., Co-Chr.	✓			
ENGLISH, J. Kalani, Co-Chr.	✓				RHOADS, Karl, Co-Chr.	✓			
HEE, Clayton, Co-Chr.	✓				CABANILLA, Rida T.R.	✓			
TANIGUCHI, Brian T.				✓	ITO, Ken				✓
SLOM, Sam				✓	LUKE, Sylvia				✓
					TSUJI, Clift				✓
					JOHANSON, Aaron Ling	✓			
TOTAL	3			2	TOTAL	4			3
A = Aye		WR = Aye with Reservations			N = Nay		E = Excused		
Senate Recommendation is:					House Recommendation is:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Senate Lead Chair's or Designee's Signature:					House Lead Chair's or Designee's Signature:				
									
Distribution: Original					Yellow				
File with Conference Committee Report					House Clerk's Office				
					Pink				
					Senate Clerk's Office				
					Goldenrod				
					Drafting Agency				